CHART OF HINDU INHERITANCE

BY

ALMARIC RUMSEY.

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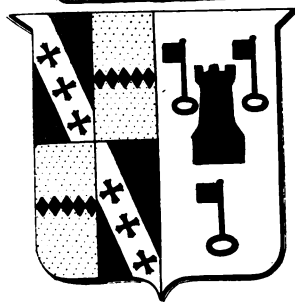
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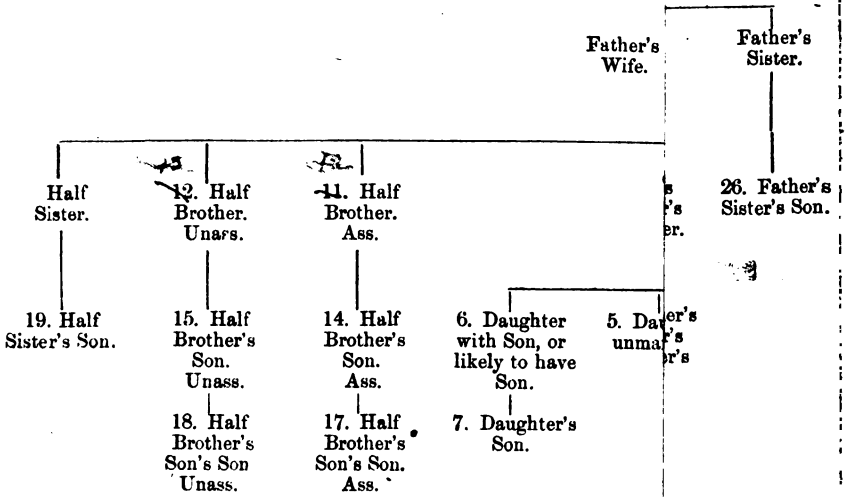
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CHART of HINDU FAMILY INHERITANC

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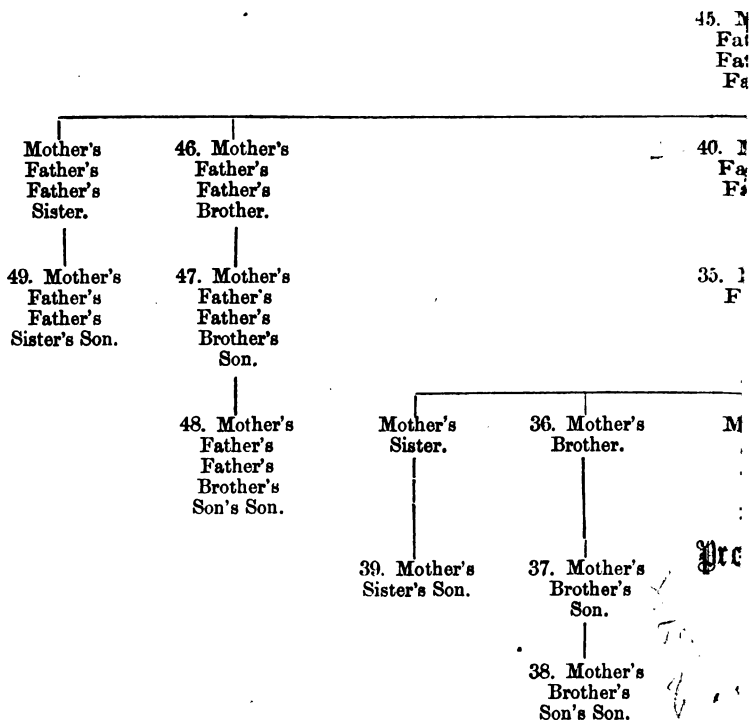
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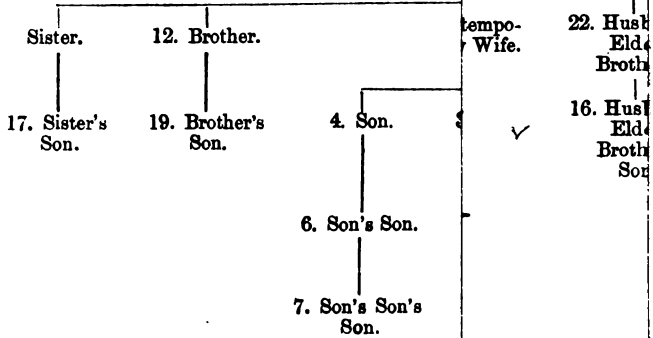
A CHART

OF

HINDU FAMILY INHERITANCE,

WITH

An Explanatory Treatise.

BY

ALMARIC RUMSEY,

OF LINCOLN'S INN, BARRISTER AT LAW.

Author of "A Chart of Family Inheritance, according to Orthodox Moohummudan Law."

LONDON:

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1868.

TO

THE RIGHT HONORABLE

SIR JOHN ROLT, KNIGHT,

One of the Lords Justices of Appeal,

THIS WORK

IS,

BY PERMISSION,

RESPECTFULLY DEDICATED

BY

HIS MOST OBEDIENT SERVANT,

The Author.

TABLE OF CONTENTS.

TABLE OF ABBREVIATIONS.

Dáyabh. - -	Dáyabhaga.
Dáyakr. - -	Dáyakramasangraha.
Mitaksh. - -	Mitakshara.
Macn. Prin. -	Macnaghten's "Principles and Precedents of Hindû Law."
Hous. Man. -	Houston's "Manual of Hindû and Muhammadan Law," Dublin, 1863.
S. D. A. Calc. -	"Reports of Cases determined in the Court of Sudder Dewanny Adawlut," Calcutta.

N.B.—For the convenience of the reader, we give the references, as far as possible, to Editions that are easily procurable. As regards the native treatises, we take the numbers of the pages from "Hindû Law Books," a collection of reprinted translations, published by Mr. Whitley Stokes, at Madras, in 1865. In referring to Macn. Prin., we give the pages in Wilson's reprint, entitled "Principles of Hindu and Mohammadan Law," published in London in 1865, except in one instance, where we have been obliged to refer to one of the "Precedents," which were not reprinted by Prof. Wilson. In that instance (p. 6, note), the reference is given to the copy of Macn. Prin. in the Library of Lincoln's Inn.

CHAPTER I.

OBJECT OF THE WORK, AND SOURCES OF INFORMATION.

Although the Hindû law claims to be derived entirely from sacred texts, and might therefore be expected to be homogeneous and immutable, yet, as a matter of fact, it has gone through considerable fluctuations in the course of ages, and has come to be divided into no less than five distinct Schools or Systems. Three of these Schools, the Bengal (or Gauriya), the Benares, and the Mithila, flourish in the north, while two, the Dravida and the Maharashtra, are accepted in the south. The Bengal School includes Calcutta, and the greater part of the north-east of India. The Benares School pertains chiefly to the north-west provinces, but also extends to a portion of the north-eastern sea-board. The Mithila commands a smaller district in Northern Behar, on the confines of Nepaul. The Dravida ranges over the greater part of the actual Peninsula, including Madras; and the Maharashtra is confined to the north-western portion of the Peninsula, and includes Bombay.

In the following treatise we propose to begin with the Bengal School, and to use it as a type or basis on

which our explanations of the other Schools will be founded. The student will probably find his labour much diminished by studying according to this plan, for the divergences are not really very numerous or important, but they must naturally tend to confuse the mind if he attempted to study all the Schools at once. Our principal authority for the Bengal School is the Dáyakramasangraha, and where no reference is given it may be assumed that we are following that treatise. The Dáyabhaga has also been consulted, and, where it serves to explain the Dáyakramasangraha, we have always given the reference. As a general rule, however, we have not given references except where the Dáyakramasangraha is defective or obscure, or where we have been obliged to rely on English writers or to dispute their statements. For the Benares School we have followed the Mitákshara, giving references, generally, only in such cases as mentioned above. We have not access, unfortunately, to original treatises on the other Schools, and we have been obliged to follow English writers, except so far as the Mitákshara (nominally accepted in all Schools but that of Bengal), has been found to serve as a guide.

CHAPTER II.

EXPLANATION OF THE CHART, PARTS I. AND II.

It must be understood that the Chart, Parts I. and II., refers only to the succession to a deceased male. It will be seen hereafter that a woman's property, if acquired by succession (as in the case of a daughter who is heir to her father), descends after her death to the next heir of the person from whom she inherited it; and that the descent of a woman's Stridhan or separate property is governed by special rules of its own.

The Chart, Parts I. and II., contains the near kindred, or relations within the degree of sapinda. The word sapinda means, primarily, a person related to the deceased in such a degree that he partakes with him of an undivided or double offering of the pinda or funeral cake. This advantage extends to three generations above the deceased, and three below him, in the direct male line. The expression "undivided offering" may be thus explained:—Every man is bound during his lifetime to present an offering of the funeral cake to his three immediate male ancestors; and it is believed that on his death he partakes, by a kind of reflection, of the benefit of the offering that

he himself has made. But this is not all. He also partakes of the offerings which they have made to the three ancestors next above, and which are, as it were, transmitted to him by the first three. Thus, as regards the first three, he partakes of a double offering, an offering both by reflection and by transmission, whereas it is clear that between him and the second three (since he has made no offering to them), there is only a single offering, an offering by transmission, but none by reflection.* From the above explanation it will be seen that, if any individual be taken as the Propositus, the persons who are sapindas with him are, in the descending pedigree, the son, son's son and son's son's son, and, in the ascending pedigree, the father, father's father and father's father's father.

It is evident from some passages in the Dáyabhaga that the word sapinda is sometimes used in a wider sense, so as to indicate all the relations, whether direct or collateral, who are found in the Chart, Parts I., II ;† but as the more limited use of the word is usually adopted, we have thought it best to describe the relations in question, not as sapindas, but as relations within the degree of sapinda.

In consulting the Chart, the reader must understand that the numbers indicate the order of succes-

* The author believes the above to be a correct statement of the doctrine of Sapindaship, though the subject is not very clearly treated by the Hindû writers. See Dáyabh. 313, 227.

† See Dáyabh. 313. "On failure of Sapindas or near kindred, Sakhulyas or remote kinsmen are heirs." We shall see, *infra*, that the Sakhulyas are those who inherit next after the relations in the Chart, Part II.

sion.* Thus, 1 will succeed in preference to 2, 2 in preference to 3, &c. If there are several in the same degree, (as, for instance, several sons), they divide the property equally. For ordinary purposes it may be assumed that there is no distinction between real and personal, or between ancestral and acquired property. Those relations to whom no numbers are prefixed are persons who are not enumerated in the order of heirs, and are only inserted as part of the machinery of the Chart.

The following remarks are necessary with respect to particular relations. The numbers indicate the persons who bear the same respective numbers in the Chart.

1, 2, 3. Although a son, if living at the death of the Propositus, excludes his own son or grandson from the inheritance, he does not exclude his own nephew or grandnephew. Consequently, if there be a son, a grandson whose father is deceased, and a great-grandson whose father and father's father are deceased, these descendants take the property equally among them, precisely as if they were all sons. The reason of this is, that under the supposed circumstances the

* This order is supposed to depend on the greater or smaller amount of funeral benefits. Dáyakr. 484. Thus the daughter's son comes before the father, because he makes offerings to the Propositus, his father and his grandfather; while the father can only make two within the degree of Sapindaship, viz. to the grandfather and great grandfather, Dáyabh. 330. But this principle is sometimes disregarded. Thus a brother comes after the father, although he makes three offerings, viz., to the father, grandfather, and great grandfather.

son, grandson and great-grandson are held to confer equal benefits on the deceased Propositus by the presentation of funeral offerings; whereas the last two, if a living ancestor intervened, would be "incompetent to the celebration of solemn obsequies,"* and would therefore confer no such benefits on the deceased.

Grandsons by different sons take *per stirpes* and not *per capita;* and, similarly, if there be one son, and several sons of a deceased son, the son's sons will take amongst them only one son's share.† The rule as to inheriting *per stirpes* extends to great-grandsons also.‡

An adopted son takes the place of a son if there are no actual sons.§ But if, after adopting a son or sons, the Propositus has had actual sons born, each adopted son takes only half as much as each actual son.‖

4. Although the wife, in the absence of male issue, is held, technically, to take the whole estate, and not merely a right of maintenance out of it,¶ yet she has only a very limited and peculiar power over it. She may not, as a general rule, give or bequeath it, nor may she, unless unable otherwise to subsist, either mortgage or sell it. She is only allowed to enjoy it

* Dáyabh. 228.

† Dáyabh. 228, 229, where the reason for sons taking *per stirpes* is given as follows:—"Their interest in the wealth is founded on their relation by birth to their own father; and they have a right to just so much as he would have been entitled to."

‡ 2 Macn. Prin. 10, case 8.

§ Macn. Prin. 18.

‖ Houst. Man. 56.

¶ Dáyabh. 320.

"with moderation" until her death, to give presents to her husband's relations for the sake of his funeral rites, and, with the consent of those persons, to make gifts to the relations of her own father and mother. After her death the property goes, not to her heirs, but to those of her husband.*

5, 6. The meaning of the expression "likely to have male issue" is not very clear; but it is perhaps explained by the dictum that married daughters who are barren, and widowed daughters who have no sons, cannot succeed. This is a well established rule, and the reason of it is, that daughters without male issue cannot, through the medium of sons, benefit the deceased by a funeral oblation†. After the decease of the daughter the property goes, not to her heirs, but to those of her father.

7. If there are sons of several daughters, they take *per capita* and not *per stirpes*.‡ The reason of this may perhaps be negatively inferred from the reason given for the sons' sons' inheritance *per stirpes*. It may be remembered that the interest of the sons' sons is held to be founded on their taking by repre-

* This, and the rules which limit the power of a widow over the estate, are applicable generally to the case of a woman's succession by inheritance, Dáyabh. 330, 320.

† Mr. Macnaghten (Macn. Prin. 25) states that if several unmarried daughters inherit, the son of one of them will, on her death, succeed to her in preference to the other daughters or their sons. The authority for this statement is not very clear, and the reported case referred to by Mr. Macnaghten (Mt. Bijia Dibia v. Mt. Unnapoorah Dibia, 3 S. D. A. Calc. 26) does not seem to bear it out.

‡ Ramdhun Sein v. Kishenkanth Sein, 3 S. D. A. Calc. 100.

sentation to their respective fathers (p. 6, note). With regard to daughters' sons the case is altogether different. The daughters, if living, are only allowed to succeed in right of the funeral oblation which may be performed by their sons:* and if the daughters are dead, their sons succeed in their own right as heirs of their grandfather, and by reason of their performing the oblations to him.† There is, consequently, no reason why one daughter's son should, under any circumstances, take more than another.

The right of daughters' descendants is confined entirely to the daughters' sons, since neither their daughters nor more distant male descendants are entitled to offer oblations to the Propositus.

9. The mother's right is of a limited kind, and when she dies, the property goes, not to her heirs, but to those of the Propositus.

10, 11, 12. Among several brothers of the deceased, the whole-blood is considered superior to the half-blood, and associated to unassociated; but when one brother possesses the advantage of the whole-blood, but is unassociated, while another possesses the advantage of association but is of the half-blood, they are considered equal, and succeed together. Hence, in the Chart, the unassociated whole brother and the associated half brother will be found to bear the same number.‡

* Dáyabh. 327.

† Dáyabh. 327. 331.

‡ In works on Hindû Law, whole brothers are often called "uterine." Under a system which forbids a woman's re-marriage, and therefore makes it impossible for children to have the same

13, 14, 15. The observations as to whole or half-blood and association made above respecting brothers apply equally to brothers' sons.

16, 17, 18. The observations as to whole or half-blood and association made above respecting brothers and brothers' sons apply also to brothers' sons' sons.*

19. The sister's son and half sister's son bear the same number in the Chart, as they are generally held to take together. There is some difference of opinion, however, on this point, in the Bengal School.

20. We have inserted the brother's daughter's son in one place only, in order to avoid complicating the Chart. We know of no authority at present which states whether the usual distinctions as to whole or half-blood are made in this case, or whether all brothers' daughters' sons inherit equally.

34. Mr. Macnaghten has great grandfather's brother's daughter's son, but this is clearly an error.†

mother and different fathers, this use of the word is not altogether illogical. Still, it is not the usual sense of the word, and we shall always use the expression "of the whole blood" in preference.

* With respect to the whole and half-blood this is distinctly stated in the Dáyakr. But the author of that work omits the subject of association in that place, and we have to rely on the authority of his compendious enumeration of heirs quoted at Dáyabh. 353.

† This error has most unaccountably been allowed to run through all the editions of Mr. Macnaghten's Work, including the reprint made under the superintendence of Professor Wilson. That it is an error, is clear both from its violating all principle and analogy, and from the direct authority of the Dáyakrama-sangraha, *vide* Dáyakr. 482.

Proceeding now to Part II. of the Chart, it is first to be observed that the mother is not numbered here, because her number is 9, which of course is included in Part I.

It is next to be remarked that the inheritance ascends, in the mother's line, to the fourth generation from the Propositus instead of the third. The reason of this would seem to be that the mother, being a female, and being therefore incapable of making or receiving a funeral offering, is omitted in reckoning the number of generations, and the Propositus makes funeral offerings to her three ancestors in the direct male line.*

Thirdly, it will be at once seen that no female maternal relations are entitled to succeed. The following is probably the true explanation of this circumstance:—Those females who can succeed (see Chart, Part I.) are entitled to that privilege because they have or may have sons who will present offerings in which the deceased will participate. In the maternal line this qualification cannot arise, as the maternal relatives do not present oblations in which the deceased participates (for the benefit would have to be handed down through a female), but

* This may be concluded from the comparison of various passages in the Dáyabhaga, which seem to show that a male who succeeds through a female makes offerings to such female's father, father's father, and father's father's father. It will be remembered that this is the case with respect to the daughter's son, *vide* p. 5, note.

only oblations which the deceased was bound to offer.*

The order of inheritance among descendants of the maternal ancestors (with an exception to be mentioned hereafter) is traced on the same principle as that among the paternal. The Dáyabhaga merely leaves us to infer this, by stating that on failure of the preceding relations the succession devolves "on the maternal uncle and the rest." The Dâyakramasangraha, however, gives distinctly the order of succession presented in the Chart, Part II.

The exception in principle alluded to above (supra, page 11), will be perceived on referring to the Chart, Part I., 27, 34. The corresponding relations (who would be, mother's brother's daughter's son, mother's father's brother's daughter's son (and, by analogy, in the higher generation, mother's father's father's brother's daughter's son), do not find a place in Part II. The reason of this is not stated in any native work to which we have had access; but it may be conjec-

* This appears to be the safer doctrine; but it is not quite indisputable, as appears from the following passage: "On failure of the heirs who present oblations in which the deceased owner participates, the Sakhulya, or remote kinsman, takes the inheritance." Here, the maternal relations in Chart, Part II., are clearly included among those who present offerings in which the deceased participates. We have alluded to this doubt, and to that respecting the comprehensiveness of the word Sapinda, not because they are of any great importance, but rather to warn the reader against bestowing too much trouble on points which are clearly open to various conjectures.

tured that as these relations are related to the deceased through two females, they are not considered as presenting oblations which the deceased was bound to offer.*

CHAPTER III.

SAKHULYAS AND OTHERS WHO MAY INHERIT AFTER THOSE MENTIONED IN THE CHART, PARTS I. AND II.

WHATEVER may be the difficulties as to the precise definition of the classes hitherto mentioned, there is no doubt of the fact that both these classes are called "near kindred" and that those who succeed next are the Sakhulyas, or "remote kindred."† These consist (primarily at least) of the next three persons in direct male descent below the person numbered 3 in Part I., and the next three persons in direct male ascent above 28. The Sakhulyas do not share an undivided oblation with the deceased, but the deceased derives an inferior benefit from their offerings, which is

* Mr. Macnaghten has mother's brother's daughter's son in the place of mother's sister's son (39). This, like an error in Part I., mentioned at p. 9, is contrary to analogy, and to the text of the Dáyakramasangraha, which Mr. Macnaghten gives as his authority.

† Dáyabh. 313.

called a "divided oblation."* This is easily understood after what has been said above as to undivided offerings. Supposing the ancestors to be A. B. C. D. E. F. (ascending in that order); then we have seen that the Propositus has in common with C., for instance, two offerings, one which he himself presented to C., and one which C. has presented to those above.† But the Propositus could not present an oblation to D., who is beyond the third generation; so that he only shares with him the benefit of the offering made by C.‡

On failure of the Sakhulyas, the Samánodakas, or kinsmen allied by common libations of water, succeed.§

We must here remark that there is much confusion about the Sakhulyas and Samânodakas; the former being sometimes stated to include, or to be identical with, the latter; though, almost in the same breath, the latter are said to succeed on failure of the former.‖ It is impossible to say exactly where the Sakhulyas end and the Samânodakas begin. Under

* Dáyabh. 313, 349. Sometimes called "remainder" or "residue" of the oblations. Dáyabh. 349; Dáyakr. 484.

† *Supra*, p. 3.

‡ The same reasoning may, of course, be applied with equal force to the descending generations. Çrikrishna's enumeration contains a few words which perhaps makes the matter as clear as so fanciful a matter can be made: "remote kindred in the descending line, *who present the residue of oblations to ancestors* with whom the deceased owner may participate." Dáyabh. 353.

§ It will be remembered that the "oblations" above alluded to are offerings, not of water, but of solid food called the "funeral cake."

‖ Dáyabh. 349; Dáyakr. 484.

one name or both, however, and under the general name of distant kindred, not only the Sakhulyas, according to the above definition, succeed, but also the descendants of the Sakhulya ancestors,* it is said, down to the fourteenth in degree.†

With regard to these relations the original authorities lay down no precise rule as to the order of descent, except that the first three Sakhulyas, in order, in the direct descending line, precede the first three in the direct ascending line and their descendants.

On the failure of all the relations above mentioned, the inheritance will go to one of the persons next enumerated. The numbers indicate the order of succession.

1. Spiritual Preceptor.‡
2. Pupil.
3. Fellow-student of the Vedas.
4. Persons bearing the same family name, being inhabitants of the same village.
5. Persons being inhabitants of the same village, and descended from the same Patriarch.
6. Brahmins inhabiting the same village.
7. The King.§

* Dáyabh. 347, 349.

† Macn. Princ. 32, 36.

‡ Defined as "He who affords religious instruction to his pupil after investing him with the Bráhmanical Thread." Dáyakr. 484.

§ Except in the case of a Brahmin, Dáyabh. 350. But in that case, who will take the property?

The above list is formed by a comparison of the Dáyabhaga and the Dáyakramasangraha. Dayabh. 349; Dayakr. 484.

CHAPTER IV.

EXPLANATION OF THE CHART, PART III., AND DEVOLUTION OF VARIOUS KINDS OF STRIDHAN.

The different kinds of Stridhan, or separate property of a woman, are far more numerous even than the different kinds of dower according to mediæval English law;* and it would be scarcely more profitable to enter into a description of all these, than to write an elaborate treatise on the distinctions between dower *ad ostium ecclesiæ*, dower *ex assensu patris*, and the like. For practical purposes it will be sufficient to divide Stridhan, first, into separate property of a maiden; secondly, into separate property of a married woman.

The subject of the devolution of the separate property of a maiden may be rapidly disposed of. It goes first to her brothers; in default of brothers, to the mother; and in default of mother, to the father.† It will be observed that this arrangement differs from the ordinary course of descent of property, since if a man had died his property would have

* Singularly enough, one of these kinds is described by some writers as "that which was gained by loveliness," reminding the English student of the mediæval institution of "Dower *de la plus belle*."

† Dáyakr. 487.

gone to his father and mother in preference to his brother. There is no reason to believe, however, that the further devolution differs in any way from that of ordinary property.* The presents given by a bridegroom (*i. e.* a *fiancé*) do not descend as Stridhan, but revert, in case of death or marriage of the lady, to the donor.

The separate property of a married woman may be divided into property given at the nuptials, and property not so given. The Chart, Part III., gives the general devolution of the former; but it must be considered subject to the following remarks.

1. If there are two unmarried daughters, one affianced and the other not affianced, the latter takes in preference to the former.†

If an unmarried daughter succeeds, and afterwards marries, and proves to be barren, the property, on her death, will not go to her husband, but to the daughters who would have succeeded if there had been no unmarried daughter.

11, 12, 13, 14. If the marriage should have been according to one of the first five forms, the succession of these four relations will be as in the Chart; but if according to one of the last three forms,‡ the order will be, mother, father, brother, husband.

* The Dáyakramasangraha is silent as to the further devolution, which circumstance leads us to conjecture that there is nothing peculiar about it. Mr. Macnaghten says that it goes "to her paternal kinsmen in due order," but does not give his authority. Macn. Princ. 42. He also puts the father before the mother, *ibid.*

† Dáyakr. 492.

‡ The first five forms, as enumerated by Manu, are:—Brahma,

16. Mr. Macnaghten gives the younger brothers' sons a preference over the elder brother's son; but gives no authority for his opinion, while the most important native authority seems clearly to lay down that they take together.*

Stridhan not given at the nuptials is again divided into two kinds; namely, property given by the father and property not given by the father.

The devolution of property given by the father, but not given at the nuptials, is precisely the same as that of property given at the nuptials.†

Property not given by the father, and not given at the nuptials, descends as that given at the nuptials, with the following exceptions (the numbers refer to Chart, Part III.) :—

1, 4. Unmarried daughter and son inherit together, and in default of one, the whole goes to the other.

Daiva, Arsha, Gandharva, and Prajapatya; the last three forms, Paiçaiha, Rakshasa and Asura. Dáyakr. 494—495.

* Dáyakr. 499. The words are, " In his" (the younger brother's) " default, the succession devolves at once on the sons of the husband's younger and elder brothers."

† Dáyakr. 497. Mr. Macnaghten, however, gives a very different order, without mentioning his authority. It is as follows :— " Maiden daughter, son, daughter who has or is likely to have male issue, daughter's son, son's son, son's grandson, the great grandson in the male line, the son of a contemporary wife, her grandson, her great grandson in the male line. In default of all these, the barren and the widowed daughters succeed as co-heirs, and then the succession goes as in the five first forms of marriage." On the other hand the Dáyakramasangraha (after mentioning the succession of daughters in the same order as before) proceeds thus :—" In default of all daughters, the son and the rest succeed, as in the case of property received at the nuptials."

3. Widowed and barren daughters do not succeed till after 10. (Contemporary wife's son's son's son.)

6. Son's son takes precedence of daughter's son.

As to all the kinds of Stridhan above mentioned, the succession after all the relations mentioned in Chart, Part III. is as follows* :—

1. Sakhulyas.
2. Samánodakas.
3. Descendants in male line of same Patriarch.
4. Brahmins inhabiting the same village, in the case of a Brahmin woman.
5. The King, in the case of all other women.

It may be as well to mention (though our readers would naturally assume this) that property, when it has once descended as Stridhan, loses its character sa such, and is looked upon as ordinary property in the subsequent stages of descent.†

CHAPTER V.

VARIATIONS OF THE FIVE SCHOOLS.

As we have already mentioned, there are five schools, which differ more or less from one another in their rules. The Bengal School has been already dealt with. We have now to explain the principal

* In relation to the subject of Stridhan, the husband's elder brother is mentioned as the last of the Sapindas. Dáyakr. 499.

† Dáyakr. 493.

peculiarities of the Benares, Mithila, Dravida, and Maharashtra Schools, which we shall endeavour to do by looking at the Bengal School as the type, and showing how the others differ from it.*

BENARES SCHOOL. 1. An adopted son, with actual sons, takes only a third instead of a half.† A son of one of the Sudra caste by a slave-girl takes all if there are no sons of a wedded wife, no daughters, and no daughters' sons. If there be any of these, he takes a half share, or, by his father's choice, an entire share.‡

4. The wife, according to some authorities, only inherits when the Propositus was one of a divided family.§

5, 6. The maiden daughter succeeds first; in default of her the married indigent daughter, and in her default the married wealthy daughter. The distinction "likely to have male issue" is not observed.‖ Daughters only inherit where the Propositus was one of a divided family.¶

7. The daughter's son only inherits when the Propositus was one of a divided family.**

8, 9, The mother comes before the father;†† but

* The following observations do not apply to the devolution of Stridhan, except where expressly mentioned. See p. 22.

† Hous. Man. 62.

‡ Mitaksh. 426.

§ Mitaksh. 429; Macn. Princ. 19.

‖ Mitaksh. 440.

¶ Macn. Princ. 23.

** Macn. Princ. 23.

†† Mitaksh. 441-2.

she can only inherit when the Propositus was one of a divided family.*

10, 11, 12. The order of succession among brothers would seem to depend entirely on the question of whole or half-blood, without reference to association.†

13, 14, 15. It would seem that, generally, deceased brothers' sons take nothing if there are any brothers living. But if the property should have descended from another brother who pre-deceased the Propositus, and no partition has yet been made, in such case, the sons of the Propositus take their father's share.‡

16, 17, 18, 19, 20. Brothers' and half brothers' sons' sons, sisters' and half sisters' sons, and brothers' daughters' sons, have no place in this School.§

21, 22. The father's mother comes before the father's father;‖ but she can only inherit when the Propositus was one of a divided family.¶

25, 26, 27. Father's brothers' sons' sons, father's sisters' sons, and father's brothers' daughters' sons appear to have no place.**

28, 29. The father's father's mother comes before the father's father's father.††

33, 34. Father's father's sisters' sons, and father's father's brothers' daughters' sons, appear to have no place.‡‡

* Macn. Princ. 23.
† Mitaksh. 445.
‡ Mitaksh. 445.
§ Mitaksh. 416.
‖ Mitaksh. 446.
¶ Macn. Princ. 23.
** Mitaksh. 446.
†† Mitaksh. 447.
‡‡ Mitaksh. 447.

The relations through the mother are not enumerated in the same manner as in the Bengal School, and the directions for descent in default of the relations above mentioned are extremely vague. The Mitakshara tells us that after these* come the kindred connected with libations of water, or Samânodakas to the fourteenth degree. Then come the Bandhus, or persons related through the mother, or through a female relation of the father. Beginning with the Samânodakas, the remaining succession will stand thus:—

1. Samânodakas.
2. Bandhus.
3. Spiritual preceptor.
4. Pupil.
5. Fellow-student.
6. Some learned Priest, in the case of a Brahmin's property.
7. Brahmins generally.†
8. The King, except the case of a Brahmin.

MITHILA SCHOOL, DRAVIDA SCHOOL, MAHARASHTRA SCHOOL.—These differ but slightly from the Benares School, having in common with it the leading feature, as distinguished from Bengal, of having no distinct enumeration of maternal relations.

* In the same passage, however, we are told that Sapindas to the *seventh* degree come before Samânodakas, in which case the preceding enumeration is, of course, incomplete. Mitaksh. 448.

† But *vide*, as to the interpretation of 7 and 8, the case of Collector of Masulipatam v. Cavaly Venkata Narrainapah, 8 Moore's Indian Appeal Cases, 500.

As to the particular relations enumerated in the Chart, the following remarks may be made:—

5, 6. In Mithila, there is no distinction between several married daughters.* Married daughters have no place in the two remaining Schools.†

7. Daughters' sons are not enumerated in the Mithila School.‡

The rest of the order of succession to ordinary property may be taken for the present to be the same as in the Benares School, though it is not unlikely that further investigation, with the aid of ampler information than that to which we now have access in England, may shew that other points of difference exist.

The only variation with respect to Stridhan appears to be, that the Benares School recognizes the same distinction between indigent and wealthy daughters that has been mentioned in treating of ordinary property.§

* Macn. Princ. 23.
† Hous. Man. 64.
‡ Macn. Princ. 24.
§ Macn. Princ. 44; Hous. Man. 67; and see p. 19.

THE END.

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